

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

PHILIP HALL,  
Plaintiff,

v.

EQUIFAX INFORMATION SERVICES, LLC,  
Defendant.

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**COMPLAINT AND JURY DEMAND**

NOW COMES the Plaintiff, PHILIP HALL, by and through his counsel, and for his Complaint pleads as follows:

**JURISDICTION**

1. This is an action brought by a consumer for violations of the Fair Credit Reporting Act (15 U.S.C. §1681, *et seq.* [hereinafter “FCRA”]).

2. Jurisdiction of this court arises under 15 U.S.C. § 1681p.

**VENUE**

3. The transactions and occurrences which give rise to this action occurred in Rochester Hills, Michigan.

4. Venue is proper in the Eastern District of Michigan.

**PARTIES**

5. Plaintiff is a natural person residing in Rochester Hills, Michigan and is a “consumer” for purposes of the FCRA.

6. Defendants is Equifax Information Services, LLC (“Equifax”), which is a Georgia limited liability company that conducts business in the State of Michigan.

### **GENERAL ALLEGATIONS**

7. Equifax is reporting an authorized inquiry on Plaintiff’s credit disclosure (“the fraudulent inquiry”), purportedly by the United States Department of Education (“Dept. of Ed.”).

8. Plaintiff did not authorize Dept. of Ed. to obtain his credit file because he is a victim of identity theft.

9. On or about March 6, 2023, Plaintiff filed a police report with the Oakland County Sheriff’s Office stating that an unknown person used his personal information to obtain two federal student loans.

10. On or about March 8, 2023, Plaintiff obtained his Equifax credit disclosure and noticed the fraudulent inquiry reporting.

11. On or about May 10, 2023, Plaintiff sent a letter to Equifax disputing the fraudulent inquiry (“the dispute letter”).

12. In the dispute letter, Plaintiff explained that he did not authorize Dept. of Ed. to obtain his credit file, as he is a victim of identity theft. He attached a copy of the police report to verify the same and requested Equifax to delete the fraudulent inquiry.

13. Equifax received the dispute letter on or about May 23, 2023.

14. On or about July 7, 2022, Plaintiff obtained his Equifax credit disclosure, which showed that Equifax failed or refused to delete the fraudulent inquiry.

15. Inquiries on consumer credit reports have a tendency to depress a consumer's credit score. In this case, the fraudulent inquiry is improperly depressing Plaintiff's credit score and hampers his ability to obtain consumer credit, housing, or employment.

16. As a direct and proximate cause of the Defendants' negligent and/or willful failure to comply with the Fair Credit Reporting Act, 15 U.S.C. § 1681, *et seq.*, Plaintiff has experienced undue stress, anxiety, frustration and other forms of emotional distress due to Defendants' failures to correct the errors in his credit file and his inability to improve his financial situation by obtaining new or more favorable credit terms as a result of Defendants' violations of the FCRA. The fraudulent inquiry has diminished Plaintiff's creditworthiness and credit score. Plaintiff has also suffered physical harms, including loss of sleep and stress headaches as a result of Defendants' failure to remove the fraudulent inquiry. Equifax's failure to remove the fraudulent inquiry also has caused Plaintiff to lose time attempting to have the fraudulent inquiry removed from his credit file.

**COUNT I - NEGLIGENT VIOLATION OF THE FAIR CREDIT  
REPORTING ACT BY EQUIFAX**

17. Plaintiff realleges the above paragraphs as if recited verbatim.

18. Defendant Equifax prepared, compiled, issued, assembled, transferred, published, and otherwise reproduced consumer reports regarding Plaintiff as that term is defined in 15 U.S.C. § 1681a.

19. Such reports contained information about Plaintiff that was false, misleading, and inaccurate.

20. Equifax negligently failed to maintain and/or follow reasonable procedures to assure maximum possible accuracy of the information it reported to one or more third parties pertaining to Plaintiff, in violation of 15 U.S.C. § 1681e(b).

21. After receiving Plaintiff's consumer dispute to the Bogus Tradeline, Equifax negligently failed to conduct a reasonable reinvestigation as required by 15 U.S.C. 1681i.

22. As a direct and proximate cause of Equifax's negligent failure to perform its duties under the FCRA, Plaintiff has suffered stress, frustration and other forms of emotional distress. Plaintiff also has suffered physical harms, including loss of sleep and stress headaches. Plaintiff also has suffered diminished creditworthiness and a reduced credit score.

23. Equifax is liable to Plaintiff by reason of its violation of the FCRA in an amount to be determined by the trier of fact together with his reasonable attorneys' fees pursuant to 15 U.S.C. § 1681o.

**WHEREFORE, PLAINTIFF PRAYS** that this Honorable Court grants him a judgment against Equifax for actual damages, costs, interest, and attorneys' fees.

**COUNT II - WILLFUL VIOLATION OF THE FAIR CREDIT REPORTING ACT BY EQUIFAX**

24. Plaintiff realleges the above paragraphs as if recited verbatim.

25. Defendant Equifax prepared, compiled, issued, assembled, transferred, published, and otherwise reproduced consumer reports regarding Plaintiff as that term is defined in 15 U.S.C. § 1681a.

26. Such reports contained information about Plaintiff that was false, misleading, and inaccurate.

27. Equifax willfully failed to maintain and/or follow reasonable procedures to assure maximum possible accuracy of the information that it reported to one or more third parties pertaining to Plaintiff, in violation of 15 U.S.C. § 1681e(b).

28. After receiving Plaintiff's consumer dispute to the Bogus Tradeline, Equifax willfully failed to conduct a reasonable reinvestigation as required by 15 U.S.C. § 1681i.

29. As a direct and proximate cause of Equifax's willful failure to perform its duties under the FCRA, Plaintiff has suffered stress, frustration and other forms of emotional distress. Plaintiff also has suffered physical harms, including loss of sleep and stress headaches. Plaintiff also has suffered diminished creditworthiness and a reduced credit score.

30. Equifax is liable to Plaintiff by reason of its violations of the FCRA in an amount to be determined by the trier of fact together with his reasonable attorneys' fees pursuant to 15 U.S.C. § 1681n.

**WHEREFORE, PLAINTIFF PRAYS** that this Honorable Court grants him a judgment against Equifax for the greater of statutory or actual damages, plus punitive damages along with costs, interest, and reasonable attorneys' fees.

### **JURY DEMAND**

Plaintiff hereby demands a trial by jury.

Respectfully submitted,

Dated: August 29, 2023

/s/ Carl Schwartz  
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